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December 22, 2006

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch Secretary Federal Communications Commission Washington, DC 20554

Notification of *Ex Parte* Meeting: Docket Numbers CC 02-6; CC 96-45; CC 97-21; WC 03-109; and WC 05-195

Dear Ms. Dortch:

Re:

Yesterday, on behalf of Tri-Rivers Educational Computer Association ("TRECA") and Metropolitan Educational Council ("MEC") undersigned counsel and Peter Gutmann and Cavan Fabris of Womble, Carlyle, Sandridge and Rice PLLC conducted an *ex parte* meeting with Ian Dillner, John Branscome, Anita Cheng, Regina Brown, Gina Spade, and Alex Minard. The parties discussed the points set forth in the attached presentation at the meeting.

In accordance with the Commission's rules, 47 C.F.R. Sec. 1.1206(b)(1), TRECA and MEC is electronically filing in the above-referenced dockets this letter, along with the attached materials.

Respectfully submitted,

Mark Palchick

Counsel to Tri-Rivers Educational Computer Association and Metropolitan Educational Council

Enclosures

cc:

Ian Dillner

John Branscome Anita Cheng Regina Brown Gina Spade

Alex Minard



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SUBMISSIONS IN SUPPORT OF DOCKETS: CC 02-6; CC 96-45;CC 97-21; WC 03-109; and WC 05-195



Internet Access

Eligibility Requirements for All Internet Access Services:

Internet access is an information service. Briefly, an information service is "the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications...." [47 U.S.C. 153(20)].

Support in this funding category is only available for basic conduit access to the Internet or for services that are an integral component part of basic conduit access. Support in this category of service is not available for content, equipment purchases by applicants, or services beyond basic conduit access to the Internet.

To qualify as Internet access, all services must reach the boundary of public Internet space.

Service providers for Internet access need not be telecommunications carriers.

Function	Description		
E-mail Service	Internet-based <u>e-mail service</u> is eligible. Such a service is often included in the cost of basic conduit access to the Internet or may be provided at a separate cost, either as a fixed charge and/or on a per-user or other basis.		
	Some e-mail services may include substantial ineligible features, such as calendaring functions, collaboration tools, and services to ineligible users. Funding is limited strictly to the eligible e-mail portion. Any cost allocation must be based on tangible information that provides a reasonable and appropriate delineation between the eligible and ineligible components.		
Internet Access	Basic conduit access to the Internet is eligible regardless of technology platform. Access technologies include but are not limited to:		
	 Telephone dial-up T-1 lines Digital Subscriber Line (DSL) Cable Modem Wireless 		
	Eligible Internet access may include features typically provided for adequate functionality and performance when provided as a standard component of a vendor's Internet access service. Such features may include Domain Name Service (DNS), Dynamic Host Configuration Protocol (DHCP), and firewall		

·				
	protection against unauthorized access.			
	A wireless Internet access service is eligible under the same provisions as wired access to the Internet.			
	Wide Area Network facilities can be eligible for funding as a part of Internet access if the service is limited to basic conduit access to the Internet and the offering is the most costeffective means of accessing the Internet.			
	GSP (Global Service Provider) fees necessary to obtain Internet access are eligible.			
	A wireless Internet access service designed for portable electronic devices is eligible to be funded if used for educational purposes.			
Web Hosting	A <u>web hosting</u> service that provides a means for a school or library to display content on the Internet is eligible.			
	<u>Domain name registration</u> necessary for the creation of a school or library website is eligible for discount.			
	Funding is limited strictly to the eligible web hosting function. Some web hosting services may include ineligible features, such as software applications and content editing features. Funding will not be provided for such features. Any cost allocation must be based on tangible information that provides a reasonable and appropriate delineation between the eligible and ineligible components.			
Other Eligible Internet Access Services	Maintenance and technical support appropriate to maintain reliable operation is eligible for discount when provided as a component of an eligible Internet access service.			
	Please see the Miscellaneous section of this document for additional entries applicable to Internet access, such as charges for installation and configuration.			
Ineligible for E- rate Funding as	The following services are NOT ELIGIBLE for discount:			
Internet Access Services	 <u>Internet content</u> or charges for the creation or display of information. Internet access that provides features or content that go beyond basic conduit access to the 			
(Not Eligible)	Internet is not eligible for funding. (E-mail service and e-mail account fees, however, are not considered Internet content. Applicants may accept an Internet Access service with minimal content included if the content meets the limitations for Ancillary Use. See Special Eligibility Conditions below for Ancillary Use.) Costs attributable to the creation or modification of information, such as a web site creation fee or content			
	maintenance fee • Charges to access Internet content or limited-access			

information

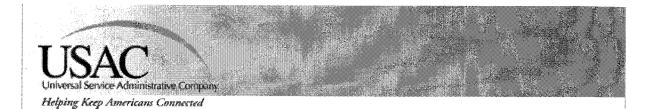
- Software, services, or systems used to create or edit Internet content
- Internet2 fees
- <u>Dark fiber</u> service
- Training in the use of the Internet
- Costs for training provided via the Internet
- Services that go beyond basic conduit access to the Internet
- Point-to-point connectivity of data, video, or voice applications that are to be provided only by eligible telecommunications carriers
- Specialized services that go beyond basic conduit access to the Internet, such as Virtual Private Network services
- Web site creation fee
- Electronic library/on-line public access and associated software

Separate pricing for the following components when not included in the standard configuration of an Internet access service is **NOT ELIGIBLE**:

- Caching service
- Content filtering service
- Web Casting

Please see the <u>Miscellaneous</u> section of this document for additional entries applicable to Internet access. For example, finance charges and termination charges are not eligible.

- 이용하는 경험하는 기획을 하는 경험을 하는 것이 되고 있다. 그는 경우에는 사람들이 되는 것이 되는 것이 되는 것이 되는 것이 되는 것이 되는 것이다.
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Schools and Libraries News Brief

July 21, 2006

Commitments for Funding Year 2006

Funding Year 2006. USAC will release FY2006 Wave 14 funding commitment decision letters (FCDLs) July 25. As of July 21, FY2006 commitments total over \$505 million for approved Priority 1 requests (Telecommunications Services and Internet Access).

USAC will continue to issue weekly funding commitment waves. After noon on the date that the FCDLs are mailed, you can check to see if you have a commitment by using USAC's <u>Automated Search of Commitments</u> tool.

Caution about Eligibility of Internet Access

The eligibility of services provided in the Internet Access category of service is subject to certain limitations. USAC periodically issues a <u>cautionary reminder message</u> about the differences between eligible Internet access and eligible telecommunications services so that applicants and service providers clearly understand these limitations.

The <u>Eligible Services List for FY2006</u> indicates that the Internet Access category of service is "limited to the provision of 'basic conduit access' to the Internet." Basic conduit access includes access to email and the World Wide Web, so USAC can therefore provide discounts on these Internet access services.

However, basic conduit access does **not** include advanced functions such as direct exchange of data or video between applicant sites or the transport of point-to-point connectivity of data, video, or voice applications that are to be provided only by eligible telecommunications carriers.

To be eligible for discounts in the Internet Access category of service, all services must reach the boundary of public Internet space.

Here are three examples to help clarify the eligibility of Internet access services:

Example 1. School District A contracts with an Internet service provider to provide Internet access, which is used to provide email and access to the World Wide Web to ten schools in that district. In addition, School District A has installed a web server at the high school which provides information about the district to users of the World Wide Web. All of these uses are consistent with basic conduit access to the Internet, and USAC can provide discounts on the entire amount of this funding request for these services in the Internet Access category of service.

Example 2. School District B contracts with an Internet service provider for the same services as School District A. In addition to those services, School District B has installed Virtual Private Network components that enable direct connectivity between individual schools. This direct connectivity enables video distance learning among those individual schools and allows data and file sharing. In addition, an Internet-based phone service is provided. Any and all of these additional features go beyond basic conduit access to the Internet, and are not eligible in the Internet Access category of service.

- O School District B can apply for the eligible portion of the Internet Access services by doing a <u>cost</u> <u>allocation</u> and removing the ineligible portion from its funding request.
- O If School District B does not do a cost allocation and the ineligible services comprise 30% or more of the funding request, the funding request will be denied under the 30% Rule.

Example 3. School District C contracts with an eligible <u>telecommunications carrier</u> for the same services as School District B, but it applies for those services in the Telecommunications Services category of service. Because the service provider is a telecommunications carrier — that is, this service provider has met specific program requirements for providing telecommunications services — USAC can provide funding for these services.

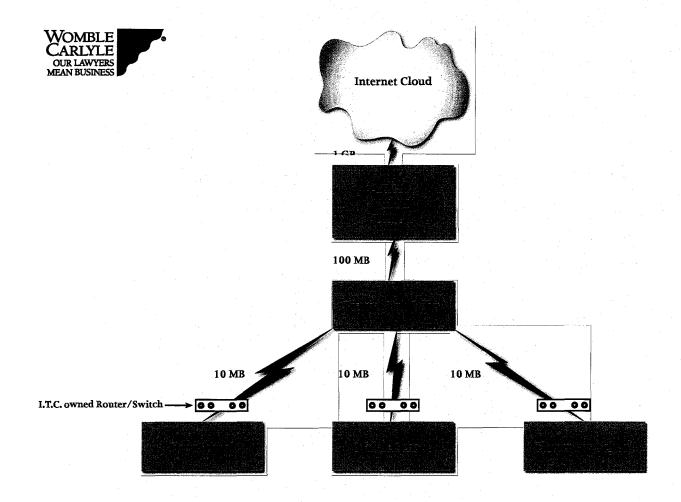
Applicants must select the correct category of service for the services they wish to obtain. Service providers should be sure that they properly represent FCC eligibility requirements when they market their offerings. Remember that USAC must seek the return of funds that have been used for ineligible products and services.

You may download and print copies of <u>Schools and Libraries News Briefs</u> on USAC's website. You may <u>subscribe</u> to or <u>unsubscribe</u> from this news brief. For program information, please visit the <u>Schools and Libraries area</u> of the USAC website, <u>submit a question</u>, or call us toll-free at 1-888-203-8100. Feel free to forward this news brief to any interested parties.

Please do not reply to this email directly, as it was sent from an unattended mailbox.

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Note: All circuits and switches/routers are owned by the I.T.C. Internet Service Provider.

District/building LAN's are connected to a District-owned switch for local traffic.





Step 1: Educational Service Agencies

State laws determine eligibility of Educational Service Agencies for Schools and Libraries Program support.

Background

Educational Service Agencies (ESAs) in many states play key roles in the economic and efficient provision of a wide range of educational services to their component school districts. ESAs are known by a variety of names including Educational Service Units (ESUs), Local Educational Agencies (LEAs), and Board of Cooperative Educational Services (BOCES). This guidance will refer to all these types of entities as ESAs. Please see the <u>list of the ESAs in states that have requested eligibility determinations</u>.

ESA services may include:

- Instructional-level services: Schools and programs (e.g., special education programs) that use services that may be eligible
 for discounts.
- Instructional support-level services: Staff and curriculum development services to their districts.
- Non-instructional-level services: Technology planning and implementation services and may also serve as service providers.

Eligibility to Receive Support

Federal law defines an ESA as a "regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies." To determine whether an ESA is eligible to receive Schools and Libraries support as an applicant, FCC rules governing the program require USAC to determine whether the ESA provides elementary or secondary education as determined under state law. USAC determines whether the entity provides elementary or secondary education to its student population and whether the ESA facility is eligible for support because elementary or secondary education, as defined in state law, is provided at that facility. FCC rules do not specifically define or address ESAs.

USAC conducts a biennial survey of states and territories to determine whether ESAs are eligible to receive funding. State and territory officials are asked to describe the programs served by ESAs and whether ESAs operate facilities that they either own or lease that contain classrooms. The officials are asked to provide legal support for the information they supply and to certify the accuracy of their determinations. The Eligibility Table for Educational Service Agencies includes the most recent information provided by the states and territories.

Potential Conflict Among Functions Performed by ESAs in the Schools and Libraries Process

ESAs may perform as many as four roles in the Schools and Libraries Program:

- ESAs are applicants for program discounts.
- ESAs provide program consulting assistance to their component districts.

- ESAs review and approve district Technology Plans.
- In some instances, ESAs are service providers of eligible services.

When ESAs function as service providers, two potential conflicts may raise concerns:

- In some states, state law or regulation permits school districts to select services provided by ESAs on a non-competitive basis.
- Some states provide subsidies so that ESAs may provide discounted rates to public schools.

These roles raise potential conflict of interest issues, primarily with respect to complying with the FCC's competitive bidding requirements, and assuring that ESAs with the dual roles of providing Technology Plan development services and approving Technology Plans are not compromising the Technology Plan process.

Guidelines for Compliance with FCC Rules and Avoiding Conflicts of Interest

ESAs that Do Not Provide Eligible Services

- An ESA that does not serve as a service provider may assume the function of an applicant in filing the *Description of Services Requested and Certification Form* (Form 470), evaluating bids, filing the *Services Ordered and Certification Form* (Form 471) applications, and obtaining discounts for services for itself (if it is an eligible recipient of discounted services) and its component districts.
- An ESA that does not function as a service provider may assume the function of a consultant to its component districts in developing Technology Plans, consulting with the component districts as to their service and equipment requirements, and helping its component districts apply for and administer the receipt of discounts.
- An ESA that does not function as a service provider may approve Technology Plans (if it is a <u>USAC-approved Technology Plan Approver</u>. However, an ESA that has played a significant role in developing a Technology Plan as a consultant may approve that Technology Plan only if the ESA can assure USAC, and provide documentation supporting its assurance, that the ESA maintains a review and approval process independent of the Technology Plan development role.

In determining whether the ESA's role is "significant," USAC would consider, but not be limited to, the following: (i) whether the ESA developed and wrote the Technology Plan; and (ii) whether the ESA provided advice about the content of the Technology Plan that was substantially incorporated in the plan.

ESAs that Provide Eligible Services

Fundamental requirements of the Schools and Libraries program include that applicants select service providers through a fair and open competitive process, that the most cost-effective bid for services or equipment is selected with price being the primary factor considered, and that the alternative selected is the most cost-effective means of meeting educational needs and technology plan goals.

A potential conflict may arise when an ESA is a service provider and also an applicant, a consultant to school districts, or a Technology Plan approver. The potential conflict is that the selection of the service provider may not be fair and open but may, in fact, provide an unfair advantage to the ESA as service provider.

The potential conflict may be resolved if:

The ESA provides only one category of eligible services (telecommunications service, Internet access, internal connections other than basic maintenance, or basic maintenance of internal connections), and is functioning in its non-service provider role(s) (e.g., applicant, consultant, technology plan approver) only with respect to separate applications for other categories of services

Examples include, but are not limited to the following: (i) an ESA cannot be both an applicant and a service provider on the same application; (ii) an ESA that is a consultant to an applicant for a particular application cannot also be a service provider on that application; (iii) an ESA that provides consulting services to develop and/or approves the applicant's Technology Plan cannot be a service provider on the applications that rely on that Technology Plan.

The ESA is large enough to provide organizational and functional separation between staff acting as service providers and staff providing technology plan support and application and administration assistance. However, the ESA must be prepared to clearly show the separation of functions to USAC with appropriate documentation. Examples of such documentation include organizational flow charts, budgetary codes, and supervisory administration.

Other Potential Concerns

Even if state procurement rules permit public school districts to select an ESA's services on a non-competitive basis, FCC rules require that applicants for services must use competitive bidding for eligible services. The FCC competitive bidding requirements must be met to be eligible for discounts. These requirements include:

- Posting on USAC's website a Description of Services Requested and Certification Form (FCC Form 470)
- Fair and open consideration of all resulting proposals, whether in response to a Request for Proposal (RFP) or to an FCC Form 470, and
- Selecting the most cost-effective bid with price being the primary factor.

Some states provide off-setting aid payments to public school districts that have the effect of reducing some ESA charges for equipment and services eligible for discounts. If an ESA is acting as a service provider, any state reductions must be applied AFTER the discount is applied. The evaluation of alternatives must include price without discounts as the primary factor. It does not violate FCC rules to include another factor (weighted less heavily than the non-discounted price) relating to the availability of discounts from other sources for particular alternatives.

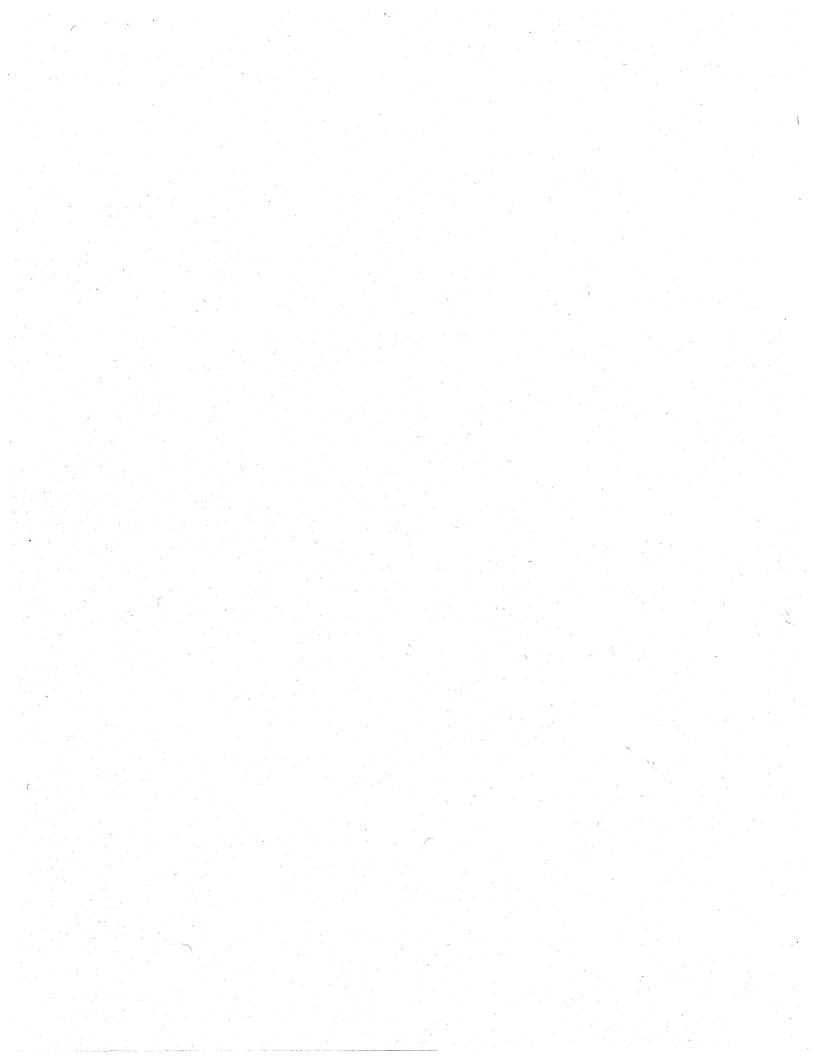
Finally, since ESAs may be both applicants and service providers on separate applications, discounts **cannot** be paid twice for the same service. If an ESA is serving as an Internet service provider to its districts and the districts are seeking discounts on that Internet access, the ESA cannot also seek discounts as a consortium leader for those services from the underlying providers.

Step 2 Develop a Technology Plan

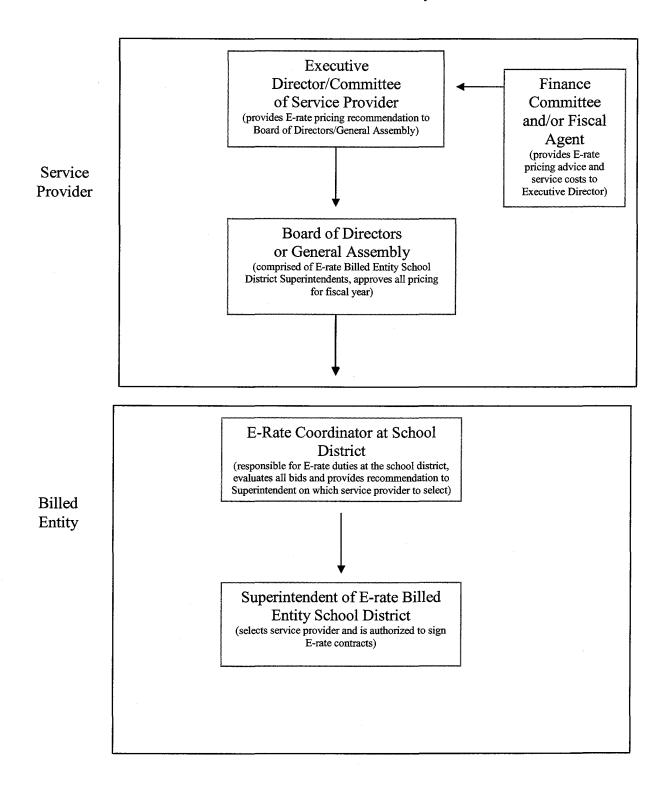
Last modified on 1/6/2006

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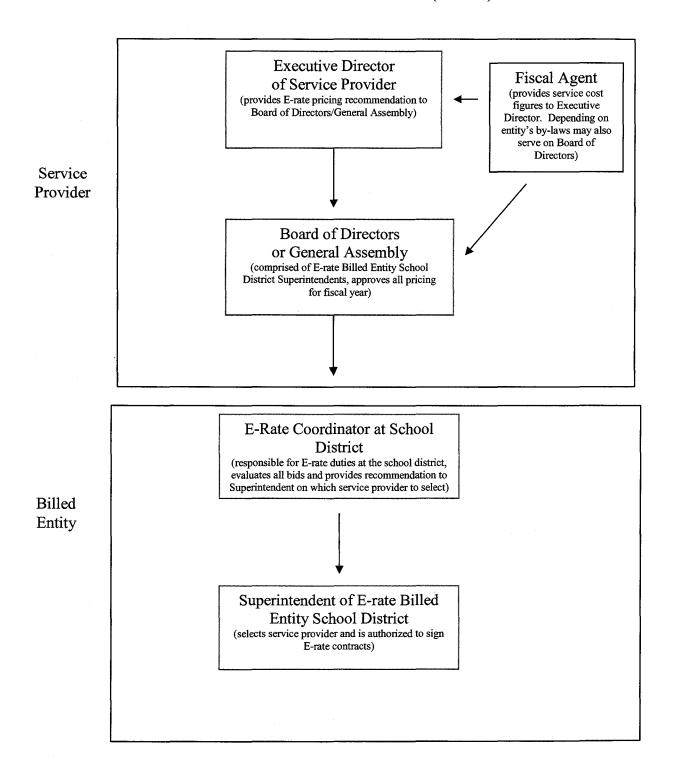
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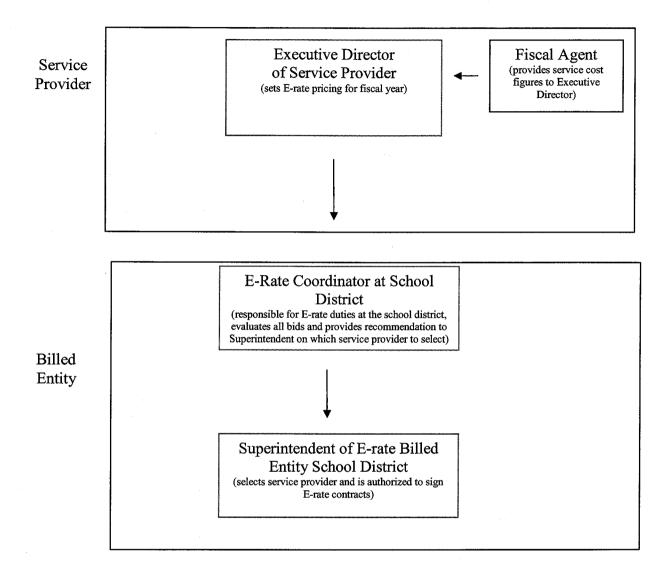
Decision Tree - 3313.92 Entity



Decision Tree - Council of Governments (COG-A)



Decision Tree - Council of Governments (COG-B)





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August 16, 2004

Ms. Marlene Dortch
Federal Communications Commission
Office of the Secretary
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

Re: Request for Review of SLD Funding Decision for

Form 471 Application Number 394989

CC Docket No. 02-6

Funding Year 2004 (7/1/2004 - 6/30/2005)

FRN: 1091844, 1091956, 1091981, 1092026, 1092052

Dear Ms. Dortch:

Enclosed please find an original and four (4) copies of an appeal of the June 22, 2004 SLD Funding Decision for Form 471 Application Number 394989, filed on behalf of Tri-Rivers Educational Computer Association (Billed Entity No. 154413).

Respectfully submitted,

Mark J. Palchick

Enclosures

cc: Mr. Ken Papay, TRECA

Before the FEDERAL COMMUNICATIONS COMMISSION Washington D.C. 20554

In the Matter of)	
)	
Request for Review of the)	CC Docket No. 02-6
Decision of the)	File No.
Universal Service Administrative Company)	
By)	
)	
Tri-Rivers Educational)	
Computer Association ("TRECA"))	
Billed Entity No. 154413)	

Before the Common Carrier Bureau

REQUEST FOR REVIEW

Tri-Rivers Educational Computer Association ("TRECA"), by its attorneys, respectfully appeals the June 22, 2004, denial of funding by the Schools and Library Division ("SLD") of the Universal Service Administrative Company ("USAC") for FCC Form 471, Application Number 394989, Funding Request Numbers ("FR Nos.") 1091844, 1091956, 1091981, 1092026 and 1092052 for Funding Year 2004 (07/01/2004 – 06/30/2005) ("TRECA Form 471"). The SLD's denial of funding relies on an inaccurate statement of facts and was contrary to the FCC's rules, the SLD's standards, and unfairly prejudices schools entitled to funding under the E-Rate program. As demonstrated herein, there is no reasonable basis for the SLD's denial of Application Number 394989.

The SLD denied TRECA's Application Numbers 394989, FR Nos. 1091844, 1091956, 1091981, 1092026 and 1092052 because, "Consortium leader has failed to provide evidence of

authority to file Forms 471 on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium."

Technically there is no such requirement in the FCC's rules or on the OMB approved Form 471. The Form 471 does contain the certification at Question 33-Block 6, that the person signing the form is "authorized to submit this request on behalf of the above-named entities..." However, the SLD's right to demand evidence of authority is only derivative and stems from Project Interconnect 16 FCC Rcd 13655 (July 2001) which was the first time the Commission addressed the SLD's authority to demand documentation in support of the authority's certification². In Project Interconnect the Commission found that:

Under the rules adopted in the Commission's Eighth Reconsideration Order, the Schools and Libraries Committee's functions include 'development of applications and associated instructions,' 'review of bills for services that are submitted by schools and libraries,' and 'administration of the application process, including activities to ensure compliance with Federal Communications Commission rules and regulations.' Thus, under the Eighth Reconsideration Order, the Commission vested in the Schools and Libraries Committee and SLD the responsibility for administering the application process for the universal service support mechanism for eligible schools and libraries. We find that requiring a consortium to submit Letters of Agency from its members is consistent with the authority to implement administrative procedures which ensure compliance with Commission rules and regulations as granted in the Eighth Reconsideration Order.³

And that:

In the case of consortia applications, SLD must also ensure that the consortium members are aware of the application to be filed and how that application obligates the expenditure of financial and professional resources. Ensuring that a school or library is aware of and approves the application on its behalf also helps to avoid

¹ June 22, 2004 Funding Commitment Report at pages 5 & 6 (Attached as Exhibit A)

² Project Interconnect at para. 9.

³ Project Interconnect at para. 8

cases of duplicative requests from different applicants applying on behalf of the same school or library.⁴

TRECA has fully complied with the requirements of Question 33-Block 6, and has satisfied the information request of the SLD concerning its authorization. As the lead member of the consortium it completed the certification for Question 33-Block 6. To document its authority to file on behalf of the consortium members, TRECA obtained a Letter of Agency ("LOA") from every member of its consortium prior to filing the TRECA Form 471. TRECA received these signed LOAs from its members in September 2003. Based upon the authority granted by the LOAs, TRECA prepared the Form 471 for the Consortium and filed that Form 471 on January 22, 2004, during the filing window established by SLD. Attached as Exhibit B is a copy of all TRECA consortium LOAs.

As certified to in the Form 471, the consortium obtained signed LOAs from each member prior to filing the TRECA Form 471. After the period for filing Form 471 closed, one member of the consortium withdrew.⁶ After the Form 471 filing window closed, White Hat Management ("White Hat") contacted TRECA and gave verbal notification that the schools managed by White Hat (the "White Hat Schools") would be obtaining a T-1 line from a different source, and therefore would not participate with the consortium for this funding year. TRECA did not receive written confirmation of White Hat's withdrawal until April 2004.

In mid-February 2004, TRECA was contacted by Robert Carreon of the PIA/SLD review team. Mr. Carreon requested copies of the signed LOAs for the consortium members. Ken Papay, the contact person for the TRECA consortium informed Mr. Carreon that one member of

⁴ Project Interconnect at para. 10

⁵ The filing window established by SLD for filing of the Form 471 opened on November 5, 2003 and closed on February 4, 2004.

⁶ The Form 471 filing window closed on February 4, 2004.

the consortium had recently withdrawn from the consortium for this funding year and therefore the consortium would not be requesting a reimbursement on Form 472 for those schools (White Hat manages 28 schools). Following this conversation, Mr. Carreon agreed that he only needed LOAs for those members of the consortium which would be included on the Form 472. On February 27, 2004, Mr. Papay, in response to Mr. Carreon's revised request for documentation, provided to the PIA/SLD copies of the LOAs for those schools for which it would request reimbursement.

Under <u>Project Interconnect</u>, the SLD's right to require evidence of authority is limited to seeking proof of authority for those schools for which the consortium was seeking funding. Because the White Hat Schools withdrew from the consortium after the 471 window closed, and because TRECA was no longer seeking reimbursement for the White Hat Schools there should be no obligation for TRECA to provide proof that the White Hat Schools were part of the consortium. ¹⁰ Even more importantly, as demonstrated herein, the SLD not only did not request proof of authorization from the withdrawn schools, it specifically advised TRECA that submission of the White Hat LOAs was not necessary. Denial of the funding request under these circumstances was in error.

⁷ TRECA did not wish to submit LOAs for those schools which were no longer seeking funding because of the requirement of Section 1.65 of the Commission's rules, which contains a duty to maintain the "accuracy and completeness of information furnished in a pending application". Accordingly, TRECA notified the PIA/SLD staff that TRECA would not be requesting the full amount of the reimbursement requested in the Form 471.

⁸ See Exhibit C, e-mail correspondence between Mr. Papay and Mr. Carreon regarding the LOAs and Ken Papay's Declaration under Penalty of Perjury.

⁹ On July 1, 2004, when notified by Mr. Papay of the denial of Funding, Mr. Carreon asked Mr. Papay to direct the USAC review team to e-mail or call him with questions. Likewise, on June 30, 2004, Mr. Papay contacted SLD representative Lore Groom, Case No. 21-102646 and she also agreed with the information requested and procedure followed by Mr. Carreon.

¹⁰ It is important to note that TRECA filed the Form 471 only after getting authorization from all represented schools and therefore its certification was accurate.

TRECA was obligated by the provisions of Section 1.65 to not request reimbursement for funding for which it was not entitled and to maintain the accuracy of its application. TRECA's actions were wholly consistent with this obligation. Upon learning of the withdrawal of the White Hat Schools from the consortium, TRECA notified the SLD that it would not be applying for reimbursement for the funds allocated to White Hat Schools. Moreover, TRECA followed the recommendation of the SLD given in the Form 471 Receipt Acknowledgement Letter which states: "SLD encourages applicants who know that they will not use all of the amounts requested to notify the SLD of an appropriate reduction to or cancellation of the Funding Requests. This action would allow the SLD to distribute the amounts that are available for the funding year more effectively."

TRECA's actions are also entirely consistent with the Commission's recommendations in Oklahoma City Public Schools, where the Commission stated: "applicants may make certain types of data corrections to its request during the two-week period after SLD issues the RAL. Corrections that are permitted at this time include changing contact information, reducing the amount of requests included in an application ..." TRECA no longer sought reimbursement for the White Hat Schools, therefore TRECA notified the SLD so that these funds could be allocated to other applicants. TRECA's notification to the SLD was consistent with the written recommendation of the SLD in the Form 471 Receipt Acknowledgement Letter and the obligation detailed in Section 1.65 of the Commission's rules to maintain the accuracy of information contained within a pending application.

" Id

Request for Review by Oklahoma City Public Schools, Oklahoma City, Oklahoma, 17 FCC Rcd 23501 (2002) (emphasis added), citing to the Form 471 Receipt Acknowledgement Letter.

It was an error for the SLD to deny the above referenced TRECA funding requests because: (1) TRECA had all the authorizations to back up its certification; (2) no school was included in the Form 471 that had not provided its written assent; (3) consortium members were all aware of the application to be filed and how that application obligates the expenditure of financial and professional resources; (5) LOAs (which are only required to be supplied when requested by the SLD) were supplied pursuant to the specific instructions of the SLD; (6) LOAs were supplied for each school which was requesting funding; (7) TRECA was bound by Section 1.65 of the rules not to request funds for schools that had withdrawn from the consortium; (8) TRECA provided, in a timely manner, all information requested by the SLD; and (9) there is no factual or legal basis for the SLD's finding that TRECA failed to provide evidence of authority.

TRECA's Form 471 Application No. 394989, Funding Request Numbers ("FRN") 1091844, 1091956, 1091981, 1092026 and 1092052 for Funding Year 2004 (07/01/2004 – 06/30/2005) should be granted. TRECA submitted a complete application that satisfied the minimum processing standards and obtained the required documents memorializing its authority to file the TRECA Form 471. Further, TRECA complied fully with all subsequent information requests by PIA/SLD staff members. There can be no question that the concerns addressed by Project Interconnect, have all been adequately addressed.

Conclusion

Based upon the information presented herein, Tri-Rivers Educational Computer Association respectfully requests that the Commission direct the SLD to grant its Fiscal Year 2004 funding request.

TRI-RIVERS EDUCATIONAL COMPUTER ASSOCIATION

By: Marsh

Mark J. Palchick Joan Stewart Attorneys to Tri-Rivers Educational Computer Association ("TRECA")

Dated: August 16, 2004

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E-mail: mpalchick@wcsr.com

istewart@wcsr.com

EXHIBIT A

Funding Commitment Report, dated June 22, 2004



TIME SENSITIVE MATERIAL

0028 enretors Farey RIVERS EDUCATIONAL COMPUT



Universal Service Administrative Company Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2004: 07/01/2004 = 06/30/2005)

June 22, 2004

Kenneth R. Papay TRI RIVERS EDUCATIONAL COMPUTER ASSOCIATION 2222 MARION-MT GILEAD RD MARION OF 43302-8914

Re: Form 471 Application Number: 394989 Funding Year 2004: 07/01/2004 - 06/30/2005 Billed Entity Number: 154413 Applicant's Form Identifier: TRECAEY05

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) teatured in the Funding Commitment Report at the end of this letter.

The amount, \$641,759.04 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning approval requirements Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked withing 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal

- Include the name, address, telephone number, fax number, and e-mail address
 (if available) for the person who can most readily discuss this appeal with us
- 2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the ECDL. Your letter of appeal must also include the Billed Entity Name; the

Form 471 Application Number, and the Billed Entity Number from the top of Your letter

- When explaining your appeal, copy the language or text from the Funding Cosmitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately: Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
- 4 Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division. Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-5 on the first page of your appeal to the FCC. Your appeal must be received by the ECC or postmarked within 50 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filling an appeal directly with the ECC can be found in the Appeals Procedure posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filling options.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the PCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements. Whether due to action or luaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of bunds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each R-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by the SLD.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual funding requests submitted on a form 471.

FUNDING STATUS E Each FRN will have one of the following definitions:

- 1. An FRN that is "Eunded" is approved at the level that the SLD determined is appropriate for this FRN. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate
- 2. An FRN that is "Not Funded" is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
- An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SID is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for internal connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal connections, you might receive a letter with Funding commitments for your Telecommunications Services funding requests and a message that your internal connectic requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your internal connections requests.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on your Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Rumber was provided on your Form 471.

SERVICE START DATE: The date services were reported to start for this FRN on your Form 471

CONTRACT EXPIRATION DATE: The date the contract expires. This will be present only of a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a. This will be present only for "site specific" FRNs.

ANNUAL PRE DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT: FOR ELIGIBLE NOW-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 231, as determined through the application review process:

DISCOUNT PERCENTAGE APPROVED BY THE SLD. The discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

EUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the Eunding Commitment Decision."

FUNDING COMMITMENT REPORT

```
Form 471 Application Number 394989
Funding Request Number: 1091844 Funding Status: Not Funded
Services Ordered Telecommunications Service
Service Provider Name: SBC Obio
Services Ordered: Telecommunications Service
SPIN 143001688 Service Provider Name: SBC Onio
Contract Number: 96-771202
Billing Account Number: 740-R90-0545-545-6
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2006
Annual Pre-discount Amount for Eligible Recurring Charges: $902,400.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: 5902,400.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: $0.00 - Unauth. Consortium Members
Funding Commitment Decision Explanation: Consortium Leader has failed to provide evidence of authority to file Forms 471 on behalf of, or swidence of the members included in this consortium:
   Funding Request Number: 1091956 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143004791 Service Provider Name: Verizon North Inc.
 Contract Number: T
Billing Account Number: 740-041-2159
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: $19,296.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $19,296.00
Discount Percentage Approved by the SED: N/A
Eunding Commitment Decision: $0.00 - Unauth: Consortium Members
Funding Commitment Decision Explanation Consortium leader has failed to provide evidence of authority to file Forms 471 on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium.
    Contract Number: T
  Funding Request Number: 1091981 Funding Status: Not Eunded Services Ordered: Telecommunications Service Provider Name: AT&T Corp.

Service Provider Name: AT&T Corp.

Contract Number: MTM

Billing Account Number: E7 RM4733 513

Service Start Date: 07/01/2004

Contract Expiration Date: 06/30/2005

Annual Pre-discount Amount for Eligible Recurring Charges: $29,463.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: $00

Pre-discount Amount: $29,463.00

Discount Percentage Approved by the SLD: N/A

Funding Commitment Decision: $0.00 - Unauth, Consortium Members

Funding Commitment Decision Explanation: Consortium Leader has Failed to provide evidence of authority to file forms 471 on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium.
    Eunding Request Number: 1092076 Funding Status: Not Funded
Services Ordered: Internet Access
SPIN: 143003831 Service Provider Name: St
   Service Provider Name: State of Ohio Department Contract Number: MTM
Billing Account Number: N/A
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: $109.188.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: $.00
Pre-discount Amount: $109.188.00
Discount Percentage Approved by the SLD: N/A
Eunding Commitment Decision: $0.00 - Unauth: Consortium Members
Funding Commitment Decision Explanation: Consortium leader has failed to provide evidence of authority to file Forms 471 on behalf of, or evidence of the members included in this consortium.
                                                                                                                                                                                                           Service Provider Name: State of Ohio Department of Adm
```

EUNDING COMMITMENT REPORT

Form 471 Application Number: 394989
Eunding Request Number: 1092052 Funding Status Not Funded
Services Ordered: Telecommunications Service
SPIN: 143004791 Service Provider Name: Verizon North Inc.
Contract Number: MTM
Billing: Account Number: N/A
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$9,251:40
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$90
Pre-discount Amount: \$9,251:40
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Unauth, Consortium Members
Eunding Commitment Decision: \$0.00 - Unauth, Consortium Members
Eunding Commitment Decision Explanation Consortium Members
Evidence of Authority to file Forms 4/I on behalf of, or evidence of the membership of, a substantial number of the members included in this consortium.

IMPORTANT REMINDERS & DEADLINES

Date: June 22, 2004 471 : 394989 BEN : 154413

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, that plan must be approved by the start of service for this funding year, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain your approval letter and documentation of your monitoring of the progress toward your stated goals.

CHILDREN'S INTERNET PROTECTION ACT (CIPA) - You must be in compliance with CIPA and cannot request a waiver, if FY2004 is your Third Funding Year for the purposes of CIPA.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notifications Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the mon-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web mile

RETAIN DOCUMENTATION - Applicants must retain documentation, including but not limited

to, documents showing: - compliance with all applicable competitive bidding requirements; - products and/or services delivered (e.g., customer bills detailing make, model

and serial number)

- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eliquite for support, the specific location of each item of E-rate funded equipment, and the applicant has paid the non-discount portion.

These documents must be retained and available for review for 5 years.

SUSPENSION AND DEBARMENT - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Support Mechanism are subject to suspension and debarment from the program

FREE SERVICES ADVISORY - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineliquide or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants

Complete program information - including more information on these reminders - is posted to the Schools and Libraries Division (SLD) web site at www.si universalservice org. You may also contact the SLD Client Service Bureau by e-mail using the "Submit a Chestion" link on the SLD web site, by rax at 1-888-276-8736 or by phone at 1-888-203-8100.

EXHIBIT B

TRECA Consortium LOAs



Big Walnut Local Schools

Mike Card Executive Directory TRECA

TRECA 2004-2005 E-Rate Authorization - Year 2004 / 2005

I hereby grant authorization for the Tri-Rivers Educational Computer Association as a consortium of multiple entities to file the FCC Forms 470, 471, 486, and any reimbursement forms (472/BEAR) for existing and desired telecommunications, Internet access and Internal connections on behalf of my school district. I have secured all funds to pay for the discounted services/items listed for my district. I have reviewed all data collected for my district and verified its accuracy.

My district has either purchased or is seeking appropriate services and facilities to effectively use the services requested in the applications. My district's technology plan has already been approved or will be approved by the state agency listed on the form 486 by July 1, 2004.

I certify that the services purchased at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other things of value.

District

Big Walnut Local Schools September 1, 2003



BUCKEYE VALLEY LOCAL SCHOOLS

679 Coover Road • Delaware, OH 43015 740.369.8735 • fax 740.363.7654 • www.buckeyevalley.k12.oh.us

TRECA 2004-2005 E-Rate Authorization - Year 2004/2005

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Authorized Signature

Buckeye Valley Local Schools

District

12/6/03 Date



JARDINGTON-LINCOLN DCAL SCHOOL DISTRICT

"The Pursuit of Excellence in Education is our Goal"

MARK WILCHECK Superintendent mark w@treca.org

DARLA HARDWICK, CPA Treasurer hardwick_d@treca.org

TRECA 2004-2005 E-Rate Authorization - Year 7

hereby grant authorization for the Tri-Rivers Educational Computer Association as a consortium of nultiple entities to file the FCC Forms 470, 471, 486, and any reimbursement forms (472/BEAR) for xisting and desired telecommunications. Internet access and Internal connections on behalf of my chool district. I have secured all funds to pay for the discounted services/items listed for my district. I have reviewed all data collected for my district and verified its accuracy.

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Authorized Signature



Carey Exempted Village Schools

357 E. SOUTH STREET CAREY, OHIO 43316

JPERINTENDENT aymond E. Funk 19) 396-7922 x (419) 396-3158

IGH SCHOOL ark Vehre, Principal om Martin, Asst. Principal 19) 396-7638

LEMENTARY ammy Wagner, Principal 19) 396-6767

REASURER aren Phillips 19) 396-7922

UILDING & GROUNDS an Stombaugh 19) 396-7638

RANSPORTATION conard Orians 19) 396-7638

OOD SERVICE at Seifert 19) 396-7638

UIDANCE ose Metzger 19) 396-7104 eve Kozel 19) 396-6767

OARD OF EDUCATION
ark Armstrong
bert Buckland
mifer Coppler
ike Dasher
nda Kin

TRECA 2004-2005 E-Rate Authorization – Year 7

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Karın Phillip Authorized Signature

Carey Exempted Village School District

_*||-5-03* Date



Centerburg Local School District



Charles A. Crist Superintendent Charles. Crist@Centerburg.k12.oh.us 175 Union Street Centerburg, OH 43011 740-625-6346 Fax: 740-625-9939 Ellen Rattiff Tressurer Tressurer 175 Union Street Centerburg, OH 43011 740-625-5984 Fax: 740-625-9939 Dorothy Holden
High School Principal
Dorothy.Holden@Centerburg.k12.oh.us
119 South Preston Street
Centerburg, OH 43011
740-625-6055
Fax 740-625-5799

William White
Elementary Principal
Bill.White@Centerburg.k12.ch.us
207 South Preston Street
Centerburg. OH 43011
740-625-6488
Fax: 740-625-9939

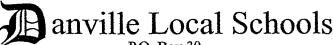
TRECA 2004-2005 E-Rate Authorization - Year 7

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Chonble Cin	Centerburg Local	10-30-07
Authorized Signature	District	Date



dministration amien O. Bawn uperintendent

Iary A. Payne reasurer

P.O. Box 30
Danville, Ohio 43014
Phone (740) 599-6116 • Fax (740) 599-5417
www.danvillek12.oh.us

Board of Education Carolyn Addair Dr. Richard Gardner Sheryl Mickley William Miller Joy Parr Varner

TRECA Exec. Director, Mike Carder

TRECA 2004-2005 E-Rate Authorization – Year 7

reby grant authorization for the Tri-Rivers Educational Computer Association as a consortium of tiple entities to file the FCC Forms 470, 471, 486, and any reimbursement forms (472/BEAR) for ting and desired telecommunications, Internet access and Internal connections on behalf of my old district. I have secured all funds to pay for the discounted services/items listed for my district. ve reviewed all data collected for my district and verified its accuracy.

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horized Signature

Danville Local School

11-25-03

District

Delaware

Patricia A. Foor, Superintendent Christopher Bell, Treasurer www.delawareareacc.org

Area Career Center

TRECA 2004-2005 E-Rate Authorization – Year 7

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Authorized Signature

PATRICIA A. ROOR

SUPERINTERPORME

DELAWARE JUSD

District



Delaware-Union

Educational Service Center

Leading the way to educational excellence

i65 Columbus Pikeelaware, Ohio 43015i40) 548-7880 • (740) 548-4465 (Fax)ww.duesc.org

Dr. James L. Crawford, Superintendent Patty A. Stump, Treasurer

TRECA 2004-2005 E-Rate Authorization – Year 2004 / 2005

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Authorized Signature

Director of Technical Services

Title

Date

<u>Delaware- Union Educational Service Center</u> District



DELAWARE CITY SCHOOLS 248 NORTH WASHINGTON STREET **DELAWARE, OHIO 43015**

(740) 833-1100 Phone - (740) 833-1149 Fax

EDUCATING TODAY FOR A PROMISING TOMORROW

TRECA 2004-2005 E-Rate Authorization - Year 2004 / 2005

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EAST KNOX LOCAL SCHOOLS

Board of Education Carol Myers, Superintenden Tammy Rogers, Treasurer

Phone: 740-599-7493 Fax: 740-599-5863 Email: cmyers@ecr.nel

23201 Coshocton Road Box 68, Howard, Ohio 43028 rogers_t@treca.org

TRECA 2004-2005 E-Rate Authorization — Year 7

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East Knox Local SD

'Last Knox Junior-Senior High School 23227 Coshocton Road, Box 128 Howard, Ohio 43028 74()-599-7000 or 740-393-0505



East Knox Elementary School 25821 New Guilford Road, Box 97 Bladensburg, Ohio 43005 740-668-3601 or 740-393-0605



Proud of our past...



John Glenn High School • East Muskingum Middle School • New Concord Elementary • Perry Elementary • Pike Elementary

13505 John Glenn School Rd. New Concord, OH 43762-9702 Phone: 740-826-7655 Fax: 740-826-7194 website: www.east-muskingum.k12.oh.us e-mail: eastm@east-muskingum.k12.oh.us

November 24, 2003

To Whom It May Concern:

Tri- Rivers Educational Computer Association is authorize to file on behalf of East Muskingum Local Schools for e-rate funding.

Stan Taylor

Director of Facilities & Technology

Elgin Local Schools

4616 LaRue-Prospect Rd. W. Marion, Ohio 43302-8859 (740) 382-1101 FAX (740) 382-1672

ouglas Ute intendent

ush nt Treasurer

Roach Services

Kimball

Mrs. Ethel Wheeler Treasurer

TRECA 2004-2005 E-Rate Authorization - Year 2004 / 2005

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istrative Assistant

tover ortation

Everett

illiam gs/Grounds

Markham ervices

HIGH SCHOOL eener Rd. S. OH 43302 3-5118 10-383-4225

JUNIOR SCHOOL th St. Camp, OH 43322 3-2320 10-528-2618

SOUTH ENTARY SCHOOL East St. t, OH 43342 I-2677 0-494-2991

WEST ENTARY SCHOOL High St. OH 43332 1-3277 0-499-3610



Fredericktown Local Schools

ADMINISTRATION
Dan E. Humphrey
Superintendent

Patricia A. Miller Treasurer 134 West Second Street Fredericktown, Ohio 43019 Phone (740) 694-2956 • Fax (740) 694-0956 BOARD OF EDUCATION

Loretta Ackerman

Kelly E. Brown

Arthur K. Dremann

Cecelia McClelland

Mark A. Overholt

November 17, 2003

TRECA 2004-2005 E-RATE AUTHORIZATION - YEAR 6

I hereby grant authorization for the Tri-Rivers Educational Computer Association as a consortium of multiple entities to file the 2004-2005 FCC Forms 470, 471, 486, and any reimbursement forms (472/BEAR) for existing and desired telecommunications, internet access and internal connections on behalf of my school district. I have secured all funds to pay for the discounted services/items listed for my district. I have reviewed all data collected for my district and verified its accuracy.

My district has either purchased or is seeking appropriate services and facilities to effectively use the services requested in the applications. My district's technology plan has already been approved by the state agency listed on the form 486 by July 1, 2003.

I certify that the services purchased at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other things of value.

I certify that my district is undertaking such actions will comply with the requirements of the Children's Internet Protection Act, as coded at 47 U.S.C. 254(h) and (l) by July 1, 2003.

Authorized Signature

Fredericktown Local

District

Date

Λd

BOARD OF EDUCATION

William D. Short President Rodney Pruett Vice President

Sandy Beckel Robert Sears Kathy Belcher

Daniel W. Freund Superintendent

Jon Mason Treasurer

Highland Local

Board of Education 6506 State Route 229 P.O. Box 98 / Sparta, Ohio 43350 (419) 768-2206 / FAX (419) 768-3115 www.highland.k12.oh.us

Schools

TRECA 2004-2005 E-Rate Authorization - Year 7

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Authorized Signature

Highland Local Schools

District

__/ Date

HIGHLAND HIGH SCHOOL (419) 768-3101 (419) 768-3560 FAX HIGHLAND MIDDLE SCHOOL (419) 768-2781 (419) 768-2742 FAX HIGHLAND CENTRAL ELEMENTARY (419) 768-3040 (419) 768-2742 FAX HIGHLAND NORTH ELEMENTARY (419) 768-2631 (419) 768-2436 FAX HIGHLAND WEST ELEMENTARY (419) 253-2371 (419) 253-3961 FAX



KNOX COUNTY EDUCATIONAL SERVICE CENTER

308 Martinsburg Road – Mount Vernon, OH 43050 (740) 393-6767 – Fax (740) 393-6812

Mr. Ken Papay TRECA 2222 Marion-Mt Gilead Rd Marion, OH 43302

11/5/03

Dear Ken:

This letter is to indicate to you that we request that you apply for the e-rate discount for 2005 on our applicable telecommunication lines on behalf of the Knox County Educational Service Center. We appreciate your expertise and your willingness to file on our behalf.

Respectfully,

Dave Southward Superintendent

ARD OF EDUCATION

Margie Bennett s. Nancy Holtrey Richard McLarnan

s. Ruby Miller

s. Donna Scott

s. Kathy Sherman

s. Mary Jean Theaker

Knox County Career Center

306 Martinsburg Road Mount Vernon, Ohio 43050-4298 (740) 397-5820 FAX: (740) 397-7040 Ray Richardson Superintendent Rick Hornick Director Robb J. Hauck Adult Supervisor Tracy Elliott Treasurer

TRECA 2004-2005 E-Rate Authorization - Year 7

October 21, 2003

I hereby grant authorization for the Tri-Rivers Educational Computer Association as a consortium of multiple entities to file the FCC Forms 470, 471, 486, and any reimbursement forms (472/BEAR) for existing and desired telecommunications, Internet access and Internal connections on behalf of my school district. I have secured all funds to pay for the discounted services/items listed for my district. I have reviewed all data collected for my district and verified its accuracy.

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Tracy L. Elliott

Trany L. Elliot

Treasurer





Marion Catholic Junior/Senior Preparatory High School 1001 Mt. Vernon Avenue, Marion, Ohio 43302 740-389-2381 Fax 740-389-5243

TRECA Exec. Director, Mike Carder

TRECA 2004-2005 E-Rate Authorization – Year 7

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herese Clements/ Finance Director Columbus Siocese uthorized Signature/Title

September 1, 2003



MARION CITY SCHOOLS

110 East Church Street Marion, Ohio 43302-4396

[elephone: (740) 387-3300 • Fax: (740) 223-4400



Treasurer.



TRECA 2004-2005 E-Rate Authorization - Year 2004 / 2005

I hereby grant authorization for the Tri-Rivers Educational Computer Association as a consortium of multiple entities to file the FCC Forms 470, 471, 486, and any reimbursement forms (472/BEAR) for existing and desired telecommunications, Internet access and Internal connections on behalf of my school district. I have secured all funds to pay for the discounted services/items listed for my district. I have reviewed all data collected for my district and verified its accuracy.

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Authorized Signature

Marion City Schools District

Marysville Exempted Village School District



1000 Edgewood Drive Marysville, Ohio 43040



Larry Zimmerman, Superintendent

TELEPHONE: 937-644-8105

Neal Handler, Assistant Superintendent

Dolores M. Cramer, CFO/Treasurer

FAX: 937-644-1849

Mike White, Business Services Coor.

September 24, 2003

TRECA 2004-2005 E-Rate Authorization – Year 7

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Authorized Signature

District



Mount Gilead Exempted Village Schools

"On A Journey To Excellence"

North Cherry Street -- P.O. Box 239 ount Gilead, Ohio 43338-0239 elephone (419) 946-1646, Fax (419) 946-3651 Stephen J. Earnest, Treasurer Stephen E@TRECA.org

TRECA 2004-2005 E-Rate Authorization – Year 7

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thorized Signature

MOUNT GILEND Schools
District

Date

IKE WILLIA





Mohawk Local Schools

295 State Hwy. 231 Sycamore, Ohio 44882

(419) 927-2414 or (419) 397-2627

Fax (419) 927-2393

y Chamberlain rintendent e: 419/927-2414

ly_Chamberlain@mohawk_k12.oh.us

on McMonigal surer

d DeRose, Principal

ie: 419/927-2414 m_McMonigal@mohawk_k12.oh.us

Gaietto, Principal awk High School ne: 419/927-6292 419/927-6297 Gaietto@mohawk.k12.oh.us

awk Junior High & more Elementary School West Saffel Avenue more, Ohio 44882 ne: 419/927-6222 419/927-4057 nl DeRose@mohawk.k12.oh.us

Long, Principal more Elementary School 1 South State Route 100 more, Ohio 44845 ae: 419/397-2690 : 419/397-2404 Long@mohawk.k12.oh.us

Curlis, Principal Authenville Elementary School D South State Route 53 Authenville, Ohio 44844 ne: 419/981-2462 : 419/981-2007 _Curlis@mohawk.k12.oh.us We prepare today's students for tomorrow's challenges!

November 21, 2003

Mike Carder, Executive Director TRECA 2222 Marion-Mt. Gilead Road Marion, OH 43302

TRECA 2004-2005 E-Rate Authorization - Year 7

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Authorized Signature

Mohawk Local Schools
District

Board of Education Dr. Margie Bennett Mr. Sam Laudeman Mrs. Donna Scott Mrs. Kathy Sherman Mr. Chuck Waugh



District Leadership
Mr. R. Jeff Maley, Superintendent
Mrs. Nancy Sinclair, Treasurer
Dr. Al Haschak, Director of Business
Ms. Jacqueline Piar
Director of Student Services
Dr. Lynda Weston

Director of Teaching and Learning

Phone (740) 397-7422 FAX (740) 393-5949

TRECA 2004-2005 E-Rate Authorization - Year 7

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Authorized Signature

MTVCS - Superintendent 10-30-03 District Date



ENTANGY LOCAL SCHOOLS



OFFICE OF THE TREASURER 814 Shanahan Road, Suite 100 Lewis Center, OH 43035

TRECA 2004-2005 E-Rate Authorization - Year 7

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thorized Signature

District



1107 Owens Road West Marion, Ohio 43302

Phone: 740/389-4476 Fax: 740/389-6985

Iministration

Iohn M. Bruno perintendent Joseph Kume

irector of Curriculum & Instruction

. Carol S. Owings

easurer

Board of Education

Mr. Donald Wiley, President

Mr. Jay Burt, Vice President

Mr. Donald Easley, Member

Mr. Gary Sims, Member

Mr. Lee Sisler, Member

TRECA 2004-2005 E-Rate Authorization – Year 7

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horized Signature

District

Revere Local Schools

Administration Office 3496 Everett Road, P.O. Box 340 Bath, Ohio 44210-0340 Telephone: (330) 666-4155, ext 3106. Fax: (330) 659-3127

November 19, 2003

Tri-River Ed. Computer Association 2222 Marion-Mt. Gilead Road Marion, Ohio 43302

Re: TRECA 2004-2005 E-Rate Authorization – Year 7

To Whom It May Concern:

I hereby grant authorization for the Tri-Rivers Educational Computer Association as a consortium of multiple entities to file the FCC Forms 470, 471, 486, and any reimbursement forms (472/BEAR) for existing and desired telecommunications, Internet access and Internal connections on behalf of my school district. I have secured all funds to pay for the discounted services/items listed for my district. I have reviewed all data collected for my district and verified its accuracy.

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Treasurer / CFO

Revere LSD

Jon Ritchie Superintendent Ext. 3101 jritchie@revere.k12.oh.us

Shawna Devoe Director of Instruction/Tech. Ext. 3102 sdevoe@revere.k12.oh.us

David R. Forrest Treasurer Ext. 3106 dforrest@revere.k12.oh.us Cynthia Ratkovich Ext. 3113

Kevin Matowitz Director of Student Services Director of Business Services Ext. 3103 cratkovi@revere.k12.oh.us kmatowitz@revere.k12.oh.us

Ridgedale Local Schools

Mike Card Executive Directory TRECA

TRECA 2004-2005 E-Rate Authorization — Year 2004 / 2005

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District

orized Signature/Title

Treasura Ridgedale Local Schools September 1, 2003



River Valley Local School District

VIKINGS

THOMAS G. SHADE Superintendent

SHARON D. MALCOM, CPA

River Valley Administration 197 Brocklesby Rd. Caledonia, Ohio 43314 TEL (740) 725-5400 FAX (740) 725-5499

River Valley High School David R. Gorenflo, Principal 4280 Marion-Mt. Gilead Rd. Caledonia, Ohio 43314 TEL (740) 725-5890 FAX (740) 725-5899

River Valley Middle School G. Edward Crawford, Principal 4334 Marlon-Mt. Gilead Rd. Caledonia, Ohio 43314 TEL (740) 725-5700 FAX (740) 725-5799

Heritage Elementary School Timothy R. Siegfried, Principal 720 Columbus-Sandusky Rd. S. Marion, Ohio 43302 TEL (740) 725-5500 FAX (740) 725-5599

Liberty Elementary School Bradd A. Molk, Principal 1932 Whetstone River Rd, N. Caledonia, Ohio 43314 TEL (740) 725-5600 FAX (740) 725-5699

DISTRICT WEB ADDRESS: www.rivervalley.k12.oh.us

TRECA 2004-2005 E-Rate Authorization - Year 7

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Muh Halu
Authorized Signature

River Valley LSD

Date

בי יטט בט בט אפר

St. Edward High School

13500 Detroit Avenue, Lakewood, Ohio 44107-4697 Phone: 216-221-3776 Fax: 216-221-4609 www.sehs.net

TRECA Exec. Director, Mike Carder

TRECA 2004-2005 E-Rate Authorization - Year 2004 / 2005

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Donald Mund Bus Manager
Authorized Signature/Title

Bus. Manager Diocese of Cleve land

September 1, 2003



1713 Marion-Mt. Gilead Rd. Suite 201 Marion, Ohio 43302

888-828-4798 FAX 740-389-6695 URL: http://tda.treca.org

DUE TO TRECA BY DECEMBER 08, 2003 TRECA Exec. Director, Mike Carder

TRECA 2004-2005 E-Rate Authorization – Year 7

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Authorized Signature

District

Cate

Digital Cleadency 12





JPERINTENDENT R. CHARLES R. BARR

REASURER ERRIL MARTIN

DMMUNITY RELATIONS
LEN BRYANT MESSENGER

KECUTIVE ASSISTANT AMMI COWELL

CONDARY DIRECTOR ARRY M. HICKMAN

SSISTANT DIRECTORS
ECONDARY
ATE BLACHLY
M OYSTER
EB RELLINGER
RED RODE
ANDY WINLAND

DULT DIRECTOR

ANAGER,
DULT EDUCATION
JDY HIGEL

TRECA 2004-2005 E-Rate Authorization - Year 7

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Authorized Signature

Tri-Rivers JVSD

11/28/03

District

Date



22 MARION-MT. GILEAD RD. MARION, OH 43302-8913 740-389-4681 FAX: 740-389-2963 WWW.TRIRIVERS.COM



Upper Arlington City Schools

TRECA 2004-2005 E-Rate Authorization - Year 2004 / 2005

I hereby grant authorization for the Tri-Rivers Educational Computer Association as a consortium of multiple entities to file the FCC Forms 470, 471, 486, and any reimbursement forms (472/BEAR) for existing and desired telecommunications, Internet access and Internal connections on behalf of my school district. I have secured all funds to pay for the discounted services/items listed for my district. I have reviewed all data collected for my district and verified its accuracy.

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Authorized Signature

Upper Arlington City Schools District

September 1, 2003



Upper Sandusky Exempted Village Schools

390 W. Walker St. . Upper Sandusky, OH 43351 Phone: (419) 294-2306 Fax: (419) 294-6891

Stephen W. Puchta Superintendent

Scott Armstrong Treasurer

TRECA 2004-2005 E-Rate Authorization – Year 7

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Authorized Signature

UPPERSANDUSKY E.V. 9



Administrative Center

ZANESVILLE CITY SCHOOLS

160 N. FOURTH ST.

ZANESVILLE, OHIO 43701

PHONE: (740) 454-9751

FAX: (740) 455-4325

Michael J. Pockl SUPERINTENDENT OF SCHOOLS

TRECA 2004-2005 E-Rate Authorization – Year 7

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Authorized Signature

District

CO11

St. Edward High School

13500 Detroit Avenue, Lakewood, Ohio 44107-4697 Phone: 216-221-3776 Fax: 216-221-4609 www.sehs.net

TRECA Exec. Director, Mike Carder

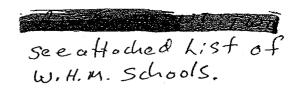
TRECA 2004-2005 E-Rate Authorization – Year 2004 / 2005

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Munch Bus. Manager Diocese of Clave land September 1, 2003



White Hat Management, LLC

159 S. Main St., Suite 1100 + Aleron, Obio 44308 + 330-535-6868 [P] + 330-535-5055 [F]

Mike Card Executive Directory TRECA

TRECA 2004-2005 E-Rate Authorization - Year 2004 / 2005

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ized Signature District see offeched Date











WHITE HAT MANAGEMENT

WHV - Management Service Provider

Ohio Schools		IRN
1	HOPE Academy Broadway	134189
2	HOPE Academy Brown Street	134221
3	HOPE Academy Canton	133850
4	HOPE Academy Cathedral	134205
5	HOPE Academy Chapelside	134197
6	HOPE Academy Cuyahoga	143313
7	HOPE Academy East	000195
8	HOPE Academy Lincoln Park	133819
9	HOPE Academy Northcoast	142968
10	HOPE Academy University	134213
11	Life Skills Center of Akron	133868
12	Life Skills Center of Bulter Co	132803
13	Life Skills Center of Canton	142901
14	Life Skills Center of Cincinnati	133785
15	Life Skills Center of Clark Co	132795
16	Life Skills Center of Cleveland	133835
17	Life Skills Center of Greater Cleveland	142919
18	Life Skills Center of Hamilton Co	143164
19	Life Skills Center of Lake Erie	151183
20	Life Skills Center of Northeast Ohio	151209
21	Life Skills Center of Northern Columbus	142943
22	Life Skills Center of Southeastern Columbus	142935
23	Life Skills Center of Southwestern Columbus	142927
24	Life Skills Center of Summit Co.	151191
25	Life Skills Center of Toledo	149302
26	Life Skills Center of Trumbull Co.	133488
27	Life Skills Center of Youngstown	133801
28	Riverside	133678

White Hat Management, LLC



April 16, 2004

1-08-2

Mike Carder TRECA, Executive Director 2222 Marion-Mt. Gilead Road Marion, Ohio 43302

Dear Mike.

This letter serves as official notification that effective July 1, 2004 the schools served by White Hat as the Management Services Provider will no longer require TRECA services for processing of data to the state for EMIS reporting.

Attached is a list of all of the schools in which this letter applies.

We have appreciated the service you have provided our schools since our inception and wish you continued success.

In an effort to avoid any miscommunication please acknowledge the receipt and acceptance of this letter via an email or telephone response.

Sincerely,

Mark F. Thimmig

President and CEO

Mark thimmig@whitehatmgmt.com

cc: Greg Ertle - WHM Jason McMillin -WHM Micki Tubbs - SchoolOne











2-of-2

WHV - Management Service Provider

Ohio Schools		IRN
1	HOPE Academy Broadway	134189
2	HOPE Academy Brown Street	134221
3	HOPE Academy Canton	133850
4	HOPE Academy Cathedral	134205
5	HOPE Academy Chapelside	134197
6	HOPE Academy Cuyahoga	143313
7	HOPE Academy East	000195
8	HOPE Academy Lincoln Park	133819
9	HOPE Academy Northcoast	142968
10	HOPE Academy University	134213
11	Life Skills Center of Akron	133868
12	Life Skills Center of Bulter Co	132803
13	Life Skills Center of Canton	142901
14	Life Skills Center of Cincinnati	133785
15	Life Skills Center of Clark Co	132795
16	Life Skills Center of Cleveland	133835
17	Life Skills Center of Greater Cleveland	142919
18	Life Skills Center of Hamilton Co	143164
19	Life Skills Center of Lake Erie	151183
20	Life Skills Center of Northeast Ohio	151209
21	Life Skills Center of Northern Columbus	142943
22	Life Skills Center of Southeastern Columbus	142935
23	Life Skills Center of Southwestern Columbus	142927
24	Life Skills Center of Summit Co.	151191
25	Life Skills Center of Toledo	149302
26	Life Skills Center of Trumbull Co.	133488
27	Life Skills Center of Youngstown	133801
28	Riverside	133678

EXHIBIT C

Correspondence between Mr. Papay and Mr. Carreon



Ken

ATTREPRIENT BREY

From:

"Ken" <ken@treca.org>

To:

"Robert Carreon" < RCARREO@sl.universalservice.org>

Sent:

Friday, February 27, 2004 1:56 PM

Attach:

Erate member schools.doc

Subject:

Re: E-Rate Consortium Review

Ii Robert,

do not have an electronic signature. I this what you were looking for? Attached is a list of our member districts with my name, title and date.

Ken

---- Original Message -----

From: "Robert Carreon" < RCARREO@sl.universalservice.org>

To: < ken@treca.org>

Sent: Friday, February 27, 2004 1:37 PM Subject: Re: E-Rate Consortium Review

Hi Ken,

Could you please resend me the statement you made below and sign it with an electronic signature (First and last name, title, organisation, address and contact information)?

Thanks,

Robert

>>> Ken <<u>ken@treca.org</u>> 02/12/04 03:42PM >>> Hi Rob,

Attached is a MS Word document containing a list of the school district that TRECA has the signed letters of agency for. At the time of the 471 deadline TRECA did not know that the Hope and Lifeskill school districts were going to get their T1 lines from another source. Because of this they will not be include on the list of districts that I will be sending you. I noted this so you would not be confused when you saw them on the 471, but not on my list. They will continue to use the T1 lines through TRECA for this schools year and then change.

I will be out of the office till February 18, 2004. If you need follow up information I will assist you then.

Ken

---- Original Message -----

From: "Robert Carreon" < RCARREO@sl.universalservice.org>

To: <ken@treca.org>

Sent: Thursday, February 12, 2004 11:45 AM



Subject: E-Rate Consortium Review

Dear Ken,

Enclosed, please find the document for the first part of this consortium review. Should you have any questions, please do not hesitate to contact me. Please reply to this email to acknowledge receipt of this attached document.

Thank You,

Robert Carreon Consortium Review Schools And Libraries Division

Phone: 973-428-7364 FAX: 973-599-6515 973-599-6576

e-mail: rcarreo@sl.universalservice.org

Client Bureau Services Phone # 1-888-203-8100 FAX: 1-888-276-8736

http://www.treca.org



March 1, 2004

Hi Robert,

Enclosed is a document containing a list of the school district that TRECA has the signed letters of agency. At the time of the 471 deadline TRECA did not now that the Hope and Lifeskill school districts were going to get their T1 lines from another source. I had talk to their administrative office and thought they would be completing and forwarding the authorization letter to TRECA. After the 471 was submitted they informed me that they would be acquiring their T1 lines from another source. Because of this they will not be included on the list of districts that I will be sending you. I noted this so you would not be confused when you saw them on the 471, but not on my list. They will continue to use the T1 lines through TRECA for this schools year and then change.

Kenneth Papay,

Administrative Assistant, TRECA



Ken

From:

"Robert Carreon" < RCARREO@sl.universalservice.org>

To:

<ken@treca.org>

Sent:

Monday, February 23, 2004 2:43 PM

Subject:

LOAs

Hi Ken,

Please fax me the Letters of Agency for your consortium members.

Thanks,

Robert

Robert Carreon Consortium Review Schools And Libraries Division

Phone: 973-428-7364 FAX: 973-599-6576 e-mail: rcarreo@sl.universalservice.org

Client Bureau Services Phone # 1-888-203-8100 FAX: 1-888-276-8736

DECLARATION UNDER PENALTY OF PERJURY

- I, Kenneth R. Papay, hereby declare under penalty of perjury under the laws of the United States of America that the following is true and correct:
- 1. I have read the foregoing Request for Review regarding the Schools and Library Division's denial of funding, Application No. 394989.
- 2. All of the facts stated therein are true and correct to my personal knowledge and belief.